



# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

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RICK SCOTT  
GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

Sent Via ePost

August 7, 2013

Mr. Derrek Moore  
City Manager  
207 Begonia Drive  
Pahokee, FL 33476

Re: City of Pahokee Municipal Separate Storm Sewer System (MS4)  
NPDES Permit No. FLS00018 (Cycle 3)  
Compliance Assistance Offer and Annual Report Review

Dear Mr. Moore,

The Department conducted a review of the City of Pahokee National Pollutant Discharge Elimination System (NPDES) Stormwater Year 2 Annual Report dated March 18, 2013, under the authority of Section 403.091, Florida Statutes (F.S.). During this review, possible violations of Chapter 403, F.S., Chapter 62-620, Florida Administrative Code (F.A.C.), and Chapter 62-621, F.A.C. and Chapter 62-621.300(7)(a), F.A.C. were observed. The purpose of this letter is to offer you compliance assistance as a means of resolving these matters.

Please see the attached Annual Report review for a full account of Department observations and be advised this Compliance Assistance Offer is part of an agency investigation preliminary to agency action in accordance with Section 120.57(5), F.S. We request you review the items of concern noted in the attached inspection report and respond in writing by **August 30, 2013**. Your written response should either:

1. Describe what you have done to resolve the issue (see "Recommendations for Corrective Action" section of the report),
2. Provide information that either mitigates the concerns or demonstrates them to be invalid, or
3. Arrange for one of our inspectors to visit your municipality to offer suggested actions to return to compliance without enforcement.

It is the Department's desire that you are able to document compliance or corrective actions concerning the possible violations identified in the attached inspection report so that this matter can be closed without enforcement. Your failure to respond promptly in writing (or by e-mail) may result in the initiation of formal enforcement proceedings.

An overall assessment of your compliance with annual reporting requirements specified in the referenced permit will be based on the review of your Cycle 3, Year 2 Annual Report, the

Palm Beach County MS4, NPDES Permit No. FLS000018  
Appendix – Palm Beach County Cycle 3, Year 2 Annual Report Comments  
August X, 2013

additional information received, and field audit results. The Department proposes that we conduct the audits for selected co-permittees September 18-19, 2013.

Please address your response and any questions to Michelle Fish of the NPDES Stormwater Program at (850) 245-7561, [michelle.fish@dep.state.fl.us](mailto:michelle.fish@dep.state.fl.us); or Shirish Bhat at (850) 245-7523; [shirish.bhat@dep.state.fl.us](mailto:shirish.bhat@dep.state.fl.us). We look forward to your cooperation with this matter.

Sincerely,



Allen P. Hubbard, P.E.  
Program Administrator  
NPDES Stormwater Program

APH/mf/sb

Enclosures: Recommendations for Corrective Action

Addressee: Derrek Moore, City of Pahokee  
Cc: Alvin Johnson, City of Pahokee  
Robert Weisman, Palm Beach County  
Bonnie Finneran, Palm Beach County  
Alan Wertepny, P.E., Mock Roos and Associates, Inc.

## Recommendations for Corrective Action

The Department has determined that additional information is needed to properly assess and evaluate the completeness of the MS4 NPDES Permit Annual Report. The Annual Report will be considered administratively complete when the permittee provides satisfactory written responses to the items detailed below. Please provide the responses in writing to the Department **by August 30, 2013**.

1. Part II.A.2. of the MS4 permit requires co-permittees to review current local codes and LDRs to reduce stormwater impacts for new and existing development. Provide a summary that includes:
  - a) a description of the current and proposed techniques aimed at reducing the stormwater impact of new development and areas of significant redevelopment that are included within the applicable codes and regulations;
  - b) a description of innovative stormwater planning techniques, including those described above, recommended for possible future incorporation into the codes and regulations (beyond what may be currently in draft); and,
  - c) a plan for implementing changes to codes and regulations.

**Recommendation:** Provide a summary of the local codes review.

2. Part 1.C.1.b. of the MS4 permit states that permittees are individually responsible for Implementation of their SWMP on portions of the MS4 where they are the operator. Part II.F. requires each permittee to report the SWMP budget in the Annual Report. If program resources have been decreased from the previous year, a discussion of the impacts on the implementation of the SWMP shall be provided. Each permittee shall also have a source of funding for implementing all the other requirements included within this permit.

**Recommendation:** Provide a plan for implementing the SWMP.

3. Part III.A.6. of the MS4 permit requires that if a Florida-Friendly Landscaping Ordinance is not adopted, all local governments within the watershed of a nutrient-impaired water body shall adopt the Department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes or an ordinance that includes all of the requirements set forth in the Model Ordinance. The ordinance is required to be adopted within 24 months of permit issuance.

**Recommendation:** Provide justification that no ordinance is required, or submit an ordinance that includes the components of the Department's Model Ordinance.

<http://www.dep.state.fl.us/water/nonpoint/docs/nonpoint/ffl-mo-ccr-1-09.pdf>

4. Part VI.B. of the MS4 permit requires co-permittees to include in the Annual Report an attachment an evaluation of the effectiveness of the permittee's SWMP in reducing pollutant loads discharged from the MS4. The attachment shall include the following questions:

- i) Have stormwater pollutant loadings discharged from the MS4 decreased? Why or why not?
- ii) Which components of the SWMP are working well and are effective in reducing stormwater pollutant loadings? Why are they effective?
- iii) Which components of the SWMP are not working well and need to be revised to make them more effective in reducing stormwater pollutant loadings?
- iv) Which components of the SWMP do not contribute to reducing stormwater pollutant loads and could be revised or eliminated, and why?
- v) Is the monitoring program providing data that can be used to assess the effectiveness of the SWMP in reducing stormwater pollutant loadings, assess the effectiveness of specific BMPs, and determine where stormwater retrofitting projects should be prioritized for implementation?

**Recommendation:** Provide an evaluation of the SWMP's effectiveness specifically to answer the questions listed above.

5. All co-permittees shall meet the minimum inspection requirements detailed in Table II.A.1.a. of the MS4 permit. The minimum requirements for SWMP implementation were not met for the following BMPs:
  - a. wet detention systems,
  - b. major stormwater outfalls,
  - c. street sweeping, and
  - d. initial Spill Prevention and Response training.

**Recommendations:**

As requested in the Year 1 Annual Assessment Package, submit the City's Standard Operating Procedures (SOPs), including the associated inspection checklists and staff-training components, required by each element of the permit. Also, complete all required inspection frequencies in the current and future reporting years.